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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DWAYNE KULA, et al.,

9 Plaintiffs,

10 v.

11 EVERY WATT MATTERS, LLC,
12 et al.,

Defendants.

C18-471 TSZ

ORDER

13 By Minute Order entered May 10, 2018, the Court observed that at least one
14 plaintiff and one defendant in this matter are citizens of the same state and that diversity
15 jurisdiction does not exist. Minute Order at ¶ 1 (docket no. 55). The Court further noted
16 that the only federal claim asserted in this matter is brought under the Racketeer
17 Influenced and Corrupt Organizations provisions of the Organized Crime Control Act of
18 1970, Pub. L. 91-451 (the “RICO Act”), and directed plaintiffs to file a RICO case
19 statement. Minute Order at ¶ 2 (docket no. 55). The Court warned plaintiffs that failure
20 to timely file an adequate RICO case statement might result in dismissal of this case
21 without prejudice for lack of subject matter jurisdiction. *Id.* Plaintiffs sought and were
22 granted an extension of time to file the requisite RICO case statement. Minute Order
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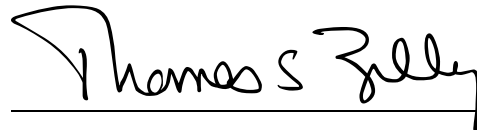
1 (docket no. 63). The June 29, 2018, deadline has now expired, and plaintiffs have not
2 timely filed a RICO case statement.

3 The Court therefore DISMISSES this action without prejudice for lack of subject
4 matter jurisdiction. Plaintiffs' RICO claim is DISMISSED without prejudice for failure
5 to adequately plead such claim and for failure to prosecute. See Fed. R. Civ. P. 8 & 41.
6 The Court DECLINES to exercise supplemental jurisdiction over the remaining state law
7 claims. See 28 U.S.C. § 1367(c)(3).

8 The Clerk is DIRECTED to send a copy of this Order to all counsel of record and
9 to CLOSE this case.

10 IT IS SO ORDERED.

11 Dated this 3rd day of July, 2018.

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14 Thomas S. Zilly
15 United States District Judge
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